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MISSOULA, MT  
2007 OCT 19 PM 5 28  
PATRICK E. DUFFY  
BY \_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

|                           |   |                 |
|---------------------------|---|-----------------|
| UNITED STATES OF AMERICA, | ) | CR 07-20-BU-DWM |
|                           | ) |                 |
| Plaintiff,                | ) |                 |
|                           | ) |                 |
| vs.                       | ) | ORDER           |
|                           | ) |                 |
| CHANCE PINKERTON,         | ) |                 |
|                           | ) |                 |
| Defendant.                | ) |                 |
| _____                     | ) |                 |

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on September 26, 2007. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

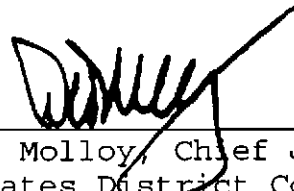
Judge Lynch recommended this Court accept Pinkerton's guilty

plea after Pinkerton appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of conspiracy to possess cocaine with intent to distribute, in violation of 21 U.S.C. § 846, as set forth in the Superseding Information.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #100) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea (dkt #73) is GRANTED.

DATED this 19th day of October, 2007.

  
\_\_\_\_\_  
Donald W. Molloy, Chief Judge  
United States District Court